

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 940 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the concerned : NO  
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

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S B GITE

Versus

STATE OF GUJARAT

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Appearance:

MR SHALIN N MEHTA FOR M/S NJ MEHTA ASSO. for Petitioner  
Nos. 1-2

MR HD DAVE, AGP for Respondent Nos. 1-6  
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CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 22/11/2002

ORAL JUDGEMENT

1. Heard Mr.Shalin N. Mehta, learned advocate for  
the petitioners and Mr.H.D.Dave, learned AGP for the  
respondents.

2. By filing this petition under Article 226 of the Constitution of India, the petitioners have challenged an order dated 22.12.1987, which is at Annexure-A to the petition passed by the respondent No.1 State, by which the representation dated 29.11.1986 of the present petitioners, which is at Annexure-B to the petition is kept alive for the period till Special Civil Application No.904 of 1978 filed by Mr.Y.B.Raval is decided. Mr.Shalin N. Mehta, learned advocate for the petitioners submits that Special Civil Application No.904 of 1978 filed by Mr.Y.B.Raval was with regard to challenge to the constitutional validity of the Recruitment Rules for the post of Superintendent of fisheries. Thus, subject matter of the representation [Annexure-B] rest on final decision in Special Civil Application No.904 of 1978. Today, Mr.Shalin N. Mehta, learned advocate for the petitioners submits that as per the information, which he has received, Special Civil Application No.904 of 1978 has been dismissed for default by this Court [Coram : J.N.Bhatt,J.] on 23.03.2001. In view of this, now there is no pendency of Special Civil Application No.904 of 1978 on the file of this Court. In view of this, Mr.Shalin N. Mehta submits that this petition may be disposed of by giving suitable directions to the concerned authority.

3. In view of the above and after hearing the learned Advocates for both the parties in detail at length, the respondent No.1 i.e. State of Gujarat which has passed an order dated 22.12.1987 [Annexure-A] in connection with the representation dated 29.11.1986 [Annexure-B] of the petitioners, is directed to decide and dispose of, the said representation dated 29.11.1986 of the petitioners strictly on merits in accordance with law, after giving opportunity of being heard to the petitioners, within three months from the date of receipt of the writ of this order, as suggested by Mr.H.D.Dave, learned AGP for the respondents. In view of this, subject to the aforesaid directions given to the respondent No.1 - State, this present petition stands disposed of accordingly. Rule is discharged. Interim relief, if any, granted earlier shall stand vacated forthwith. No order as to costs.

[H. H. Mehta,J.]